

Michigan Department of Civil Service

REGULATION

Appointing Authority Letter Reference: CS-6894	Effective Date: January 28, 1999	Index Reference: Probationary period, employee rating	Regulation Number: 2.06
Issuing Bureau: Technical Review Bureau of Human Resource Services	Rule Reference: 2-17 and 3.5		Replaces: Regulations 2.06, 2.07, and 2.08 Regulation 2.06 (CS-6894, January 28, 1999)
Subject: CONDUCTING EMPLOYEE RATINGS			

~~NOTE: THIS REGULATION SUPERSEDES REGULATION 2.06, "ESTABLISHMENT OF PROBATION PERIODS IN EXCESS OF 1040 HOURS," EFFECTIVE AUGUST 18, 1987, ISSUED UNDER APPOINTING AUTHORITY LETTER CS-6551, DATED AUGUST 18, 1987; AND REGULATIONS 2.07, "PERFORMANCE APPRAISAL SYSTEM PROBATIONARY RATING," AND 2.08, "PERFORMANCE APPRAISAL SYSTEM ANNUAL RATING," EFFECTIVE APRIL 14, 1989, ISSUED UNDER APPOINTING AUTHORITY LETTER CS-6603, DATED AUGUST 15, 1989.~~

AUTHORITY:

~~The Michigan Constitution of 1963, Article 11, Section 5, states in part:~~

~~*The commission shall . . . regulate all conditions of employment in the classified service.*~~

1. PURPOSE

This regulation establishes the standards and procedures approved by the state personnel director for conducting employee ratings.

2. CIVIL SERVICE COMMISSION RULE REFERENCE

~~Chapter 2 of the Michigan Civil Service Commission Rules provides the basis for a service-rating system. Chapter 3 provides the conditions for probationary periods.~~

~~2-17.12-2.1~~ **Service-- Rating System.**—The state personnel director shall issue regulations to establish a system of service ratings to report the quality of service rendered by each employee in the classified service.

2-17.22-2.2 When Submitted-- Submission.

(a) **Probationary ratings.** An appointing authority shall evaluate and rate the performance of each probationary employee during and at the end of the probationary ~~period~~period as provided in rule 3-5. The appointing authority shall certify each probationary service rating to the department of civil service as directed by the department.

~~(a)(1)~~ **Full-time employment.** At a minimum, an appointing authority shall ~~issue a service rating upon~~rate a full-time probationary employee after completion of ~~1,040 hours, 6 months,~~ and again after completion of one year of employment. In addition, if the probationary employee is a new hire without status in the classified service, the appointing authority shall rate the employee after completion of 3 months of employment.

~~(a)(2)~~ **Less than full-time employment.** At a minimum, an appointing authority shall rate a probationary employee working less than full-time after completion of 9 months and again after completion of 18 months of employment. In addition, if the probationary employee is a new hire without status in the classified service, the appointing authority shall rate the employee after completion of 3 months of employment.

~~(3)~~ ~~upon completion of 2,080 hours.~~ **Extension of probation.** If a probationary period is extended beyond ~~2,080 hours,~~period. ~~In addition, if the probationary employee is a new hire without status in the classified service, the appointing authority shall also issue a service rating upon completion of 520 hours of service. in the manner one year (for full-time employees) or 18 months (for less than full-time employees).~~ the appointing authority shall also issue a service rating at the end of the extension of the probationary period.

(b) **Annual ratings.** An appointing authority shall rate the performance of each nonprobationary employee at least annually. The appointing authority may use any appropriate rating method, including performance management plan ratings, unless the regulations require a particular rating method. The appointing authority shall certify each annual rating to the department of civil service as directed by the department.

(c) Interim ratings. An appointing authority may issue an interim service rating for an employee at any time.

(d) Follow-up ratings. If an employee's performance rating is less than satisfactory but the employee is not dismissed, the appointing authority shall establish in writing the length of a follow-up rating period. The appointing authority shall issue a follow-up service rating before or within 14 calendar days after the end of the follow-up rating period. If the appointing authority fails to issue a follow-up service rating within the time allowed, the employee may, within 14 days after the end of the period allowed for issuance of the follow-up rating, request in writing that the appointing authority issue the follow-up service rating. If the appointing authority fails to issue the follow-up service rating within 14 calendar days after the employee's written request, the employee is returned to satisfactory standing, effective at the end of the follow-up rating period. However, the return to satisfactory standing shall not nullify any prior unsatisfactory performance rating or preclude the later use of any such rating.

2-2.3– Unsatisfactory Service Rating.—If an employee receives a service rating that is less than satisfactory; the appointing authority may discipline the employee, up to and including dismissal. If an employee's last two service ratings have been less than satisfactory and the appointing authority has taken no adverse action, the state personnel director may recommend to the civil service commission that the employee be removed from the position. An employee who receives a service rating that is less than satisfactory is not eligible to receive a performance pay award or a higher salary step.

2-2.4– Employee Review.—Agency management shall report each employee's service rating to the employee. If the employee receives a service rating that is less than satisfactory, agency management shall review the rating with the employee. The employee shall sign and date the service rating as evidence of such review. The employee's signature on a service rating does not indicate that the employee agrees with the service rating. The employee may file an explanatory statement to accompany the service rating.

2-2.5 Performance-Pay Program Evaluation System

(a) Performance measures. An appointing authority shall establish performance objectives or competencies against which to measure the performance of each employee in the following:

(1) The senior executive service (SES).

- (2) *The senior executive management assistant service (SEMAS).*
- (3) *Equitable classification plan (ECP) Group 4.*
- (4) *ECP Groups 1, 2 or 3, when the state personnel director has approved the employee's inclusion in the performance-pay program.*
- (b) **Annual review.** *An appointing authority shall complete a performance appraisal and a salary review for each employee in the performance-pay program at least annually.*
- (c) **Use of the appraisal.** *An appointing authority shall use the performance appraisal as one factor in determining an employee's eligibility for an increase in base salary or a lump sum award. A performance appraisal may also be used in other human resource decisions, including promotions, retention, assignment, and need for training.*

3-5.1 Probationary Period.

- (a) **New employee without status.** *A newly appointed classified employee who does not have status in the classified service when appointed must satisfactorily complete a working test period, called a probationary period, and receive a final satisfactory probationary service rating as provided in rule 2-2 (Ref. Civil Service Commission July 2000) as a condition of continued employment.*
- (b) **Employee with status.** *An employee with status who is appointed to a new classification must satisfactorily complete a working test period, called a probationary period, and receive a final satisfactory probationary service rating as provided in rule 2-2 (Ref. Civil Service Commission July 2000) as a condition of continued appointment in that position.*
- (c) **SES and SEMAS Exceptions.** *This rule 3-5 is not applicable to persons appointed to positions in the senior executive service (SES) and the senior executive management assistant service (SEMAS).*

3-5.2 –Length of Probationary Period.

- (a) **Minimum length.** *The minimum length of a probationary period is 12 months of full-time employment or 18 months of less than full-time employment.*

(b) Extension of probationary period. If the department of civil service or the appointing authority determines that (1) the probationary period has been insufficient to adequately test the performance of a probationary employee or (2) the performance of a probationary employee has been less than satisfactory, the department or the appointing authority may extend the probationary period for an employee. Any extension beyond an additional 6 months requires the approval of the state personnel director. The department or appointing authority shall give written notice of the extension of the probationary period to the employee.

3-5.3– Unsatisfactory Service.

(a) Employees without status. If an employee without status does not perform satisfactorily during the probationary period, as provided in rule 2-2 (Ref. Civil Service Commission July 2000), the appointing authority may dismiss the employee during the probationary period or within 28 calendar days after the probationary period ends. The appointing authority shall give notice of a dismissal to the employee and the department of civil service no later than 28 calendar days after the probationary period ends.

(b) Employee with status. If an employee with status is appointed to a new classification and does not perform satisfactorily during the probationary period, as provided in rule 2-2 (Ref. Civil Service Commission July 2000), the appointing authority may, during the probationary period or within 28 calendar days after the probationary period ends, (1) dismiss the employee from the classified service or (2) rescind the appointment and demote the employee.

3-5.4– Satisfactory Service; Notice.—If an employee performs satisfactorily during the probationary period, the appointing authority shall give notice to the employee and the department of civil service within 28 calendar days after the probationary period ends.

3. DEFINITIONS

A. CIVIL SERVICE COMMISSION RULE DEFINITIONS

1. Appointing Authority means each one of the following ~~(1a) a~~ A single executive heading a principal department, ~~(2b) the~~ A chief executive officer of each principal department headed by a board or commission, or ~~(3c) the~~ A person designated by either of the preceding as ~~being~~ responsible for

administering the personnel functions of the department, board, ~~or~~ commission or agency of convenience.

2. Status means the ~~standing of a continuously employed person~~ recognition of an employee who has been ~~examined, certified,~~ properly appraised, qualified, and appointed to the classified service and on an indefinite or limited-term basis, and who has satisfactorily completed the probationary period in an indefinite or limited-term appointment.

B. Additional Definitions. As Used In This Regulation:

1. Probationary period means a working test period that every person appointed to a new level-classification shall satisfactorily complete as a condition of continued employment.
2. Supervisor means the person who has formal authority for enforcing directives and ensuring satisfactory performance of subordinates. A supervisor may be immediately superior in the employee's chain of command or may be removed, but directly in the employee's chain of command.

4. STANDARDS

1.A. Probationary Ratings

A.1. The Probationary Period Employee Rating form (CS-374) is used for documenting probationary ratings.

B.2. Probationary periods are required for any one of the following circumstances: (a) hire, (b) promotion, and (c) ~~transfer~~ lateral job change to a different classification.

C.3. The probationary period will continue upon ~~reallocation~~ reclassification upward in a series, only if the employee does not successfully complete the probationary period prior to the effective date of the ~~reallocation~~ reclassification. Once the probationary period is successfully completed at a level in a series, it is not continued upon ~~reallocation~~ reclassification to higher levels in the series.

D.4. A probationary period is not required, but may be established, for reinstatement; recall, ~~reassignment or transfer in the same classification~~ lateral job change to the same classification within a department or between departments, or demotion.

- ~~E.5.~~ The supervisor should record at least five job factors or requirements that are essential duties and responsibilities of the position held by the employee. These performance factors are requirements that should reasonably be met for fully satisfactory performance. Factors should be briefly, but specifically defined.
- ~~F.6.~~ Each factor should relate to the job position, in accordance with the provisions of the classification specification, but the total requirements of the job position are not necessarily limited to the recorded factors.
- ~~G.7.~~ At the beginning of each rating period, the supervisor shall review each factor with the employee and explain that the factors will provide the basis for the employee's performance evaluation at the end of the rating period. Following review of the factors, the employee shall sign and date the form, certifying that the employee has reviewed the factors. The employee shall be provided a copy of the rating form.
- ~~H.8.~~ At the time of evaluation, the supervisor shall provide written detail of the appraisal of the employee's performance for the period covered. The evaluation shall describe how well the employee met or did not meet the requirements of the position, as identified in the performance factors.
- ~~I.9.~~ The supervisor shall rate the employee's performance on the basis of the evaluation, given the performance factors, as either satisfactory or less than satisfactory. A less-than-satisfactory rating must be explained in detail. The supervisor shall sign and date the evaluation section of the form.
- ~~J.10.~~ The supervisor shall review the rating with the employee and then obtain the employee's signature in the appropriate space on the form. The employee's signature does not necessarily mean that the employee agrees with the evaluation and rating assigned. The supervisor shall retain a copy of the form, give the employee a copy, and forward the original to the appointing authority for signature.
- ~~K.11.~~ An appointing authority may demote or dismiss an employee receiving a less-than-satisfactory rating. If a less-than-satisfactory rating is issued at the 12-month rating point for full-time employees, or at the 18-month rating point for less than full-time employees, but the employee is not demoted or dismissed, the appointing authority must establish a follow-up rating period. The follow-up rating will be due within 14 days of the end of the extended probationary period.
- ~~L.12.~~ The appointing authority shall forward a copy of any less-than-satisfactory ratings received to the Bureau of Human Resource Services, Department of Civil Service, P.O. Box 30002, Lansing, Michigan 48909.

2.B. Interim Employee Rating

A.1. The Interim Employee Rating form (CS-375) is used to document interim employee ratings.

B.2. The interim employee rating is used to document an employee's performance or behavior, at a time other than during a probationary period. It is typically not used for employees being evaluated under a performance management system.

C.3. The supervisor shall record the specific factors or requirements at issue for the interim rating. The supervisor shall document the employee's performance or behavior as it relates to the specific factors or requirements at issue.

D.4. The supervisor shall sign and date the form and obtain the appointing authority's signature and date.

E.5. The supervisor shall review the rating with the employee and then obtain the employee's signature in the appropriate space on the form. The employee's signature does not ~~necessarily~~ mean that the employee agrees with the evaluation and rating assigned. The supervisor shall retain a copy of the form, give the employee a copy, and forward the original to the appointing authority.

F.6. An appointing authority may demote or dismiss an employee receiving a less-than-satisfactory rating. If a less-than-satisfactory rating is issued at the 12-month rating point for full-time employees, or at the 18-month rating point for less than full-time employees, but the employee is not demoted or dismissed, the appointing authority must establish a follow-up rating period. The follow-up rating will be due within 14 days of the end of the follow-up rating period.

G.7. The appointing authority shall forward a copy of any less-than-satisfactory ratings received to the ~~Bureau of Human Resource Services~~, Department of Civil Service, P.O. Box 30002, Lansing, Michigan 48909. The less-than-satisfactory rating shall also be reflected on the employee's employee record.

3.C. Performance Management Employee Rating

A.1. The ~~Performance Management Employee Rating form (CS-1719) and the Rating Factors, Objectives, and Responsibilities sheet are~~appropriate performance management employee rating form should be used for documenting performance ~~management—pay plan~~ employee ratings.

B.2. These forms and guidelines are to be used for employees in pay-for-performance systems and other nonprobationary employees whom the

appointing authority evaluates, using an approved performance management system.

~~G.3.~~ Employees newly appointed to positions in ~~pay-for-performance-pay plans systems~~ are subject to probationary service ratings, in accordance with Civil Service Commission Rule ~~2-17.2(a)2-2.2(a)~~. The ~~Performance-performance Management-management Employee-employee Rating-rating~~ form and the ~~Rating-rating Factorsfactors, Objectivesobjectives, and Responsibilities~~ ~~sheetrelevant competencies~~ are used for documenting probationary service ratings for these employees. SES and SEMAS are not required to complete a probationary period in accordance with rule 3-5.1.

~~D.4.~~ The supervisor and employee should jointly establish at least five factors or requirements that are essential duties and responsibilities of the position held by the employee. These performance factors are requirements that should reasonably be met for fully satisfactory performance. Factors should be briefly, but specifically defined.

NOTE: The supervisor may set the performance factors when the supervisor and the employee are unable to agree to the factors.

~~E.5.~~ Each factor should be position-related, but the total requirements of the position are not necessarily limited to the recorded factors.

~~F.6.~~ At the beginning of each rating period, the supervisor shall review each factor and any relevant competencies with the employee and explain that the factors and relevant competencies if identified, will provide the basis for the employee's performance evaluation during the rating period. The employee, supervisor, and appointing authority shall sign and date the form following review of the performance factors.

~~G.7.~~ Progress reviews may occur during the course of the year, in accordance with the appointing authority's approved performance management plan, but prior to the annual evaluation. The supervisor shall assess the employee's progress with regard to the performance factors and any applicable competencies and shall review the assessment with the employee. The supervisor and employee shall sign and date the form for progress reviews. The employee's signature does not mean that the employee agrees with the evaluation and rating assigned.

~~H.8.~~ At the end of the annual rating period, the supervisor shall evaluate the employee's performance and assign a rating. The supervisor shall review the evaluation with the employee.

~~I.9.~~ The employee shall sign and date the form to certify having reviewed the evaluation and rating. The employee's signature does not ~~necessarily~~ mean that the employee agrees with the evaluation and rating assigned. The supervisor and appointing authority shall certify to the accuracy of the evaluation and rating.

~~J.10.~~ An appointing authority may demote or dismiss an employee receiving a less-than-satisfactory rating. If a less-than-satisfactory rating is issued at the 12-month rating point for full-time employees, or at the 18-month rating point for less than full-time employees, but the employee is not demoted or dismissed, the appointing authority must establish a follow-up rating period. The follow-up rating will be due within 14 days of the end of the follow-up rating period.

~~K.11.~~ If the follow-up rating is not issued within the 14 days at the end of the follow-up rating period, the employee has 14 days to request a written rating. If the appointing authority fails to comply with the employee's request within 14 days of receipt of the request, the employee shall be returned to satisfactory standing, effective the end of the new rating period.

~~L.12.~~ The appointing authority shall forward a copy of any less-than-satisfactory ratings received to the ~~Bureau of Human Resource Services~~, Department of Civil Service, P.O. Box 30002, Lansing, Michigan 48909. The unsatisfactory rating shall also be reflected on the employee's employee record.

4.D. All Ratings

~~A.1.~~ The appointing authority may substitute agency-specific forms for the Civil Service forms identified in this regulation, with the prior approval of the Department of Civil Service. The appointing authority may supplement Civil Service forms with agency-specific forms at any time.

~~B.2.~~ Satisfactory ratings are not grievable. Less-than-satisfactory ratings may be grieved in accordance with the provisions of the "Grievance and Appeals Procedure for Employees in the State Civil Service" Regulation 2.03, "Technical Appeal Process." or applicable ~~bargaining unit~~collective bargaining agreements.

~~C.3.~~ An employee who disagrees with a rating may prepare ~~and~~ a written statement taking exception to the rating to the appointing authority. The written statement shall not exceed five sheets of 8½ inch by 11 inch paper. The appointing authority shall file the statement with the rating to which it takes exception in the employee's official personnel file.

~~D.4.~~ If an employee with status is subsequently appointed to a new classification level and is unable to perform satisfactorily at the new level, the appointing authority may dismiss the employee or demote the employee to the former level

at which the employee gained status. In the event that the appointing authority chooses demotion and there is no vacant position at the former level, the employee may exercise employment preference in accordance with Civil Service Commission Rule 2-~~19~~4 on Employment Preference.

CONTACT

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 373-3048 or 1-800-788-1766, or MDCS@state.mi.us.

NOTE: Regulations are issued by the State Personnel Director under authority granted in the State of Michigan Constitution and the Michigan Civil Service Commission Rules. Regulations that implement Commission Rules are subordinate to those Rules.